

this step even though the INS had already issued regulations that prevented asylum applicants from working while their applications were pending—a step that had drastically reduced the filing of frivolous applications.

This detention mandate has created serious strains for the INS and has led to often inhumane conditions for people who are fleeing persecution. For example, in October 1998, the Miami Herald reported that the INS—under the pressures created by the 1996 law—had warehoused some of its detainees to a local jail in the Florida Panhandle. The jailers there constructed an “electric blanket” that it “placed over detainees, who [were] then subjected to intense electric shocks.” These asylum seekers were forced to remain under the blanket “for hours, worried about repeated shocks, and when refused bathroom privileges, they often soiled themselves. . . . They [also] endured broken bones, racial slurs, and attacks with Mace and pepper spray.”

The Refugee Protection Act, which I talked about earlier, also addresses the detention issue. It clarifies that the Attorney General is not obligated to detain asylum seekers while their claims are being processed—the bill preserves the Attorney General’s ability to do so, but does not encourage detention. Asylum seekers are not criminals and they do not deserve to be imprisoned or detained without cause. Detention may be appropriate in rare cases, but it should be used sparingly. Detention is also extraordinarily costly for the taxpayers; indeed, the Department of Justice has projected that by the year 2001 it will need bed space for 24,000 INS detainees. The current policy is a humanitarian and fiscal failure, and we must reform it.

Conclusion: Although I am proud of the legislation we pass today, we have equally necessary and more challenging tasks ahead of us if we truly want to address the damage done by the laws passed in 1996. I urge my colleagues to focus on these issues and to work during the time we have remaining in this Congress to create sensible immigration laws. Let us not leave it to another Congress to fix the mistakes the majority made 4 years ago.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4489) was read the third time and passed.

#### HONORING SENIOR JUDGE DANIEL H. THOMAS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now

proceed to the immediate consideration of S. Res. 316, submitted earlier by Senators SESSIONS and SHELBY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 316) honoring Senior Judge Daniel H. Thomas of the United States District Court of the Southern District of Alabama.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I am familiar with this particular judge. He was from Mobile, AL, 40 miles from my hometown of Pascagoula, MS. He served long and honorably, having reached a grand old age of 94. He was known particularly for his expertise in admiralty. He will be sincerely missed by those who have known him over the years as a Federal judge.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 316

Whereas Daniel H. Thomas devoted his life to the dedicated and principled service of his country, his State, and his community;

Whereas Daniel H. Thomas, a native of Prattville, Alabama, was born August 25, 1906, to Judge C.E. Thomas and Augusta Pratt.

Whereas Daniel H. Thomas obtained his law degree from the University of Alabama in 1928, where his uncle, Daniel H. Pratt, served as President pro tem of the Board of Trustees of the University;

Whereas Daniel H. Thomas, having served his country with distinction for 3 years as a Navy Lieutenant during World War II, returned to Mobile, Alabama and continued in the practice of law with Mr. Joseph C. Lyons and Sam Pipes in the law firm of Lyons, Thomas and Pipes until he was elevated to the Federal bench;

Whereas Daniel H. Thomas was appointed a United States District Judge for the Southern District of Alabama by President Truman in 1951, joining in distinguished judicial service his father, C.E. Thomas, who was a probate judge of Augusta County, Alabama, his uncle, William Thomas, who served the State of Alabama as a Supreme Court Justice, and his uncle, J. Render Thomas, who served many years as the Clerk of the Supreme Court of Alabama;

Whereas 49 years of judicial service made Judge Thomas one of the longest serving Federal judges in American history;

Whereas the years of distinguished judicial service by Judge Thomas were characterized by unflinching integrity and unquestioned legal ability;

Whereas in a time of great political and social turmoil, Judge Thomas inspired continued respect for the rule of law established under the Constitution of the United States,

and for the propositions that “all men are created equal” and deserve “equal protection of the laws” by faithfully adhering to the precedents of the United States Supreme Court, even when such actions were not popular;

Whereas the depth of legal scholarship exhibited by Judge Thomas led him to become one of the most respected experts in the nation in the important field of Admiralty Law;

Whereas the reach of service by Judge Thomas to his country extended beyond his courtroom to his community through his active leadership as a founding trustee of the Ashland Place Methodist Church in Mobile, Alabama, and to America’s youth through his efforts in support of the Boy Scouts of America;

Whereas Judge Thomas, a man who enjoyed the outdoors, being an accomplished fisherman and quail hunter, exhibited great common sense, had a vibrant sense of humor, and was extremely friendly and thoughtful of others, thereby truly fitting the description of a true “southern gentleman”;

Whereas Judge Thomas truly was a great judge whose life was the law, and who was loved and respected by members of the bar and community to a degree seldom reached and never surpassed;

Whereas Judge Thomas passed away at his home in Mobile, Alabama, on Thursday, April 13, 2000;

Whereas the members of the Senate extend our deepest sympathies to the wife of Judge Thomas, Catherine Miller Thomas, his 2 sons, Daniel H. Thomas, Jr. and Merrill P. Thomas, other family members, and a host of friends that he had across the country; and

Whereas in the example of Judge Daniel H. Thomas, the American people have an enduring symbol of moral courage, judicial restraint, and public service: Now, therefore, be it

#### Resolved, That—

(1) the Senate honors the memory of Judge Daniel H. Thomas for his exemplary service to his country; and

(2) the Secretary of the Senate is directed to transmit a copy of this resolution to the family of the deceased.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported by the Armed Services Committee: Calendar Nos. 526 and 527.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### ARMY

The following named officer for appointment in the United States Army as Dean of the Academic Board, United States Military